

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
(Indianapolis Division)**

<b>RED BARN MOTORS, INC.,</b>	*	<b>DOCKET NO. 1:14-cv-01589-TWP-DKL</b>
<b>PLATINUM MOTORS, INC.,</b>	*	
<b>MATTINGLY AUTO SALES, INC.,</b>	*	<b>CLASS ACTION</b>
<b>YOUNG EXECUTIVE MANAGEMENT</b>	*	<b>Jury Trial Demanded</b>
<b>&amp; CONSULTING SERVICES, INC.,</b>	*	
<b>Individually, and on behalf of other</b>	*	
<b>members of the general public</b>	*	
<b>similarly situated</b>	*	
	*	
<b>v.</b>	*	
	*	
<b>COX ENTERPRISES, INC.,</b>	*	
<b>COX AUTOMOTIVE, INC.,</b>	*	
<b>NEXTGEAR CAPITAL, INC.,</b>	*	
<b>F/K/A DEALER SERVICES</b>	*	
<b>CORPORATION, successor by merger</b>	*	
<b>with Manheim Automotive Financial</b>	*	
<b>Services, Inc., and JOHN WICK</b>	*	

\*\*\*\*\*

**PLAINTIFFS' MOTION AND INCORPORATED MEMORANDUM FOR LEAVE  
TO FILE SURREPLY MEMORANDUM IN OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS AMENDED COMPLAINT**

NOW INTO COURT, through undersigned counsel, come the Plaintiffs, Red Barn Motors, Inc., Platinum Motors, Inc., Mattingly Auto Sales, Inc., and Young Executive Management & Consulting Services, Inc., who move this Court for leave to file the attached Surreply Memorandum in Opposition to Defendants' Motion to Dismiss Amended Complaint and in response to Defendants' reply memorandum (R. Doc. 136) ("Reply"). Plaintiffs submit that the attached, short Surreply Memorandum is necessary to address an issue raised in Defendants' Reply, and as such, will assist the Court in resolving the pending Motion.

WHEREFORE, Plaintiffs respectfully request that this Court grant it leave to file the attached Surreply Memorandum.

Respectfully submitted,

/s/ Kerry A. Murphy

GLADSTONE N. JONES, III (La. Bar No. 22221) (*pro hac vice*)

LYNN E. SWANSON (La. Bar No. 22650) (*pro hac vice*)

KERRY A. MURPHY (La. Bar No. 31382) (*pro hac vice*)

**JONES, SWANSON, HUDDALL & GARRISON, L.L.C.**

601 Poydras Street, Suite 2655

New Orleans, Louisiana 70130

Telephone: (504) 523-2500

Facsimile: (504) 523-2508

[gjones@jonesswanson.com](mailto:gjones@jonesswanson.com)

[lswanson@jonesswanson.com](mailto:lswanson@jonesswanson.com)

[kmurphy@jonesswanson.com](mailto:kmurphy@jonesswanson.com)

JAMES M. GARNER (La. Bar No. 19589) (*pro hac vice*)

RYAN D. ADAMS (La. Bar No. 27931) (*pro hac vice*)

MATTHEW M. COMAN (La. Bar No. 23613) (*pro hac vice*)

**SHER GARNER CAHILL RICHTER KLEIN & HILBERT,  
L.L.C.**

909 Poydras Street, Suite 2800

New Orleans, Louisiana 70112

Telephone: (504) 299-2100

Facsimile: (504) 299-2300

[jgarner@shergarner.com](mailto:jgarner@shergarner.com)

[radams@shergarner.com](mailto:radams@shergarner.com)

[mcoman@shergarner.com](mailto:mcoman@shergarner.com)

CASSIE E. FELDER (La. Bar No. 27805) (*pro hac vice*)

**LUGENBUHL, WHEATON, PECK, RANKIN & HUBBARD**

9311 Bluebonnet Blvd., Suite A

Baton Rouge, Louisiana 70810

Telephone: (225) 291-1990

Facsimile: (504) 3109195

[cfelder@felderllc.com](mailto:cfelder@felderllc.com)

And

Kathleen A. DeLaney (#18604-49)  
**DELANEY & DELANEY LLC**  
3646 North Washington Blvd.  
Indianapolis, IN 46205  
Telephone: (317) 920-0400  
Facsimile: (317) 0404  
Kathleen@delaneylaw.net

**COUNSEL FOR PLAINTIFFS AND THE PROPOSED CLASS**

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 3rd day of June, 2016, served a copy of the foregoing upon all counsel of record by CM/ECF filing.

/s/ Kerry A. Murphy